

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHELSEA KOENIG, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

PRIMANTI CORPORATION D/B/A
PRIMANTI BROS.; DAVID HEAD;
ANDREW TAUB; DEMETRIOS PATRINOS;
JAMES CHU; NICHOLAS NICHOLAS; and
DOE DEFENDANTS 1-10,

Defendants.

Civil Action No. 16-1402
Hon. Nora Barry Fischer

**PARTIES' JOINT STIPULATION AND [PROPOSED] ORDER REGARDING
INADVERTENT OVERSIGHT REGARDING POTENTIAL CLAIMANT**

WHEREAS, on April 23, 2018, the Court¹ held a Final Approval Hearing in the above-captioned matter to determine, *inter alia*, whether to approve the proposed class/collective action settlement as fair, reasonable, and adequate;

WHEREAS, at the hearing, the Parties requested, and the Court accepted the Claim Forms of individuals who submitted their claim forms after the Bar Date;

WHEREAS, on April 26, 2018, the Court entered an order (Dkt. No. 78), at the Parties' request, accepting 10 additional Claim Forms that were not accounted for in the Claims Administrator's supplemental declaration (Dkt. No. 74) and one additional Request for Exclusion. All of these forms were postmarked or received prior to April 23, 2018;

WHEREAS, Plaintiff's counsel received from a Tipped Employee who worked in Pennsylvania a request for a remailing of the Notice Packet prior to the original Bar Date of

¹ Capitalized terms shall have the same meaning as ascribed to them in the Settlement Agreement.

April 16, 2018. This individual also provided subsequent additional information prior to the Bar Date, thereby allowing the Claims Administrator to confirm that this individual was, in fact, a Tipped Employee who would be impacted by the then proposed Settlement. However, while counsel forwarded the individual's information on to the Claims Administrator, the requested Notice Packet was never sent due to an unfortunate oversight by the Claims Administrator; and

WHEREAS, the Parties have met and conferred and agreed that, in the interest of fairness, this individual be included as a Participating Settlement Class Member and, thus, receive their share of the Settlement's proceeds.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that: (i) the Tipped Employee who contacted Plaintiff's Counsel on April 12, 2018 and requested a Notice Packet be re-mailed and for whom the Claims Administrator did not re-mail the Notice Packet be deemed a Participating Settlement Class Member provided they promptly complete and return the Claim Form to the Claims Administrator; and (ii) such individual be treated as Participating Settlement Class Members pursuant to the Settlement Agreement.

Dated: May 23, 2018

Respectfully submitted,

CONNOLLY WELLS & GRAY, LLP

DRINKER BIDDLE & REATH, LLP

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Class Counsel

Counsel for Defendants

SO ORDERED.

BY THE COURT:

NORA BARRY FISCHER, U.S.D.J.

DATED:_____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 23rd day of May 2018, a true and correct copy of the foregoing document was filed with the Court utilizing its ECF system, which will send notice of such filing to all counsel of record.

/s/ Gerald D. Wells, III
Gerald D. Wells, III